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*Attorneys for Plaintiff Pearson Education, Inc.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

PEARSON EDUCATION, INC.,

Plaintiff,

v.

CHEGG, INC.,

Defendant.

Civil No. 21-cv-16866-MEF-ESK  
**(Electronically Filed)**

Judge Michael E. Farbiarz  
Magistrate Judge Edward S. Kiel

**Return date: July 3, 2023**

**NOTICE OF APPEAL OF AND  
OBJECTION TO THE SPECIAL  
MASTER'S MAY 16, 2023 ORDER  
DENYING PLAINTIFF'S MOTION  
TO COMPEL PRODUCTION OF  
DOCUMENTS RELATED TO THE  
USE OF CHEGG STUDY TO CHEAT**

Oral Argument Requested

**TO:** Marie L. Mathews, Esq.  
Chiesa Shahinian & Giantomasi PC  
One Boland Drive  
West Orange, New Jersey 07052  
*Attorneys for Defendant*

**PLEASE TAKE NOTICE** that pursuant to Federal Rule of Civil Procedure 53(f), plaintiff, Pearson Education Inc. (“Pearson”), by its attorneys Fox Rothschild LLP and Oppenheim + Zembrak, LLP, hereby appeals to the Honorable Michael E. Farbiarz, U.S.D.J., from the Order entered on May 16, 2023 (ECF 127) by Special Master, the Honorable Jose L. Linares, U.S.D.J., Ret., denying Pearson’s February 1, 2023 motion to compel Defendant Chegg, Inc. (“Chegg”) to produce documents related to the use of Chegg Study to cheat (ECF 105).

The May 16, 2023 order should be reversed because it (1) erred in concluding that discovery rebutting Chegg’s main case theme, defenses, and credibility is irrelevant, (2) erred in finding that third-party use of Chegg Study is irrelevant to Chegg’s fair use defense, (3) erred in concluding that use of Chegg Study for cheating is irrelevant to the public interest factor on Pearson’s request for injunctive relief, (4) erred in failing to address Pearson’s argument that use of Chegg Study to cheat is relevant to a jury’s consideration of statutory damages, and (5) erred in applying an outdated legal standard for assessing relevance.

**PLEASE TAKE FURTHER NOTICE** that a copy of the Order appealed from is attached hereto.

**PLEASE TAKE FURTHER NOTICE** that in support of this Notice of Appeal, Pearson shall rely upon the Brief in Support of Appeal of Order Denying Plaintiff’s Motion to Compel and the exhibits to the Declaration of Daryl L. Kleiman, filed herewith.

**PLEASE TAKE FURTHER NOTICE** that oral argument is requested.

**PLEASE TAKE FURTHER NOTICE** that a proposed form of Order is submitted herewith.

Dated: June 6, 2023

Respectfully submitted,  
/s/ Karen A. Confoy  
Attorney(s) for Plaintiff

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